TROP, PRUNER & HU, P.C.
INTELLECTUAL PROPERTY LAW ATTORNEYS

1616 South Voss Road, Suite 750
Houston, Texas 77057-2631
Bus: (713) 468-8880
Fax: (713) 468-8883

Fax

RECEIVED
CENTRAL FAX CENTER
OCT 01 2007

To:	Examiner Robert C. Scheibel	**From:**	Dan C. Hu
Co.:	U.S. Patent Office	**Date:**	October 1, 2007
Fax:	(571) 273-8300	**Pages:**	8 (including cover sheet)
Serial No.:	09/723,591	**Our Ref:**	13469ROUS01U (NRT.0186US)

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☒ **Confirm Receipt**

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 13469ROUS01U (NRT.0186US) DCH/gky
Date: October 1, 2007

Applicant(s): ROBERT P. MACAULAY ET AL.
Serial No.: 09/723,591
Filing Date: November 28, 2000
Title: METHOD AND APPARATUS FOR CLONING TERMINALS IN A COMMUNICATIONS NETWORK

1. Reply Brief.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Robert P. Macaulay et al.	§	Art Unit:	2616
Serial No.:	09/723,591	§	Examiner:	Robert C. Scheibel
Filed:	November 28, 2000	§		
For:	Method and Apparatus for Cloning Terminals in a Communications Network	§	Atty. Dkt. No.:	13469ROUS01U (NRT.0186US)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

The following provides Appellant's Reply to the Examiner's Answer dated July 31, 2007.

I. REPLY TO EXAMINER'S ANSWER REGARDING INDEPENDENT CLAIM 1.

As discussed in detail in the Appeal Brief, claim 1 of the present application has two portions – an incoming call portion and an outgoing call portion – that both involve a second terminal that is a clone of the first terminal. As recited in claim 1, with the second terminal being a clone of the first terminal, a call to the **first** terminal is sent to the **second** terminal (clone terminal), and a call initiated by the **second** terminal (clone terminal) with a **third** terminal accesses profile information of the **first** terminal.

In the final rejection, the Examiner applied McClung as disclosing the incoming call portion of claim 1, and cited Bozek as disclosing the outgoing call portion of claim 1. However, as explained in detail in the Appeal Brief, McClung and Bozek are directed at completely

different aspects, and thus, the asserted combination of McClung and Bozek to achieve the claimed invention made by the Examiner is clearly erroneous.

McClung describes a *roaming* feature in which a call manager 26 can direct a call to multiple telephony devices that are associated with the same extension. *See* McClung, 9:43-45. On the other hand, Bozek describes a speed dial calling mechanism that allows a user to place calling card calls (that include speed dialing numbers) using a switch that is not the home switch of the user. Bozek, Abstract. In such a case, as explained by Bozek, when a caller at a telephone station 5 makes a calling card call, the caller is switched through an away switch to a calling card server switch, which calling card server switch accesses a calling card database to obtain information regarding the speed dialing number. Bozek, 2:45-60. Fundamentally, note that Bozek is related to speed dial lookup of a calling card database when the user is at an away location.

In the Examiner's Answer, the Examiner argued that the telephone station 5 of Bozek "is analogous to the second telephone of McClung which is rung alternatively to the primary telephone." Examiner's Answer at 20. The basis for the assertion of the telephone station 5 of Bozek being analogous to the second telephone of McClung is that "they both perform methods at an analogous telephony station at which a traveler is located away from the home office." *Id.*

Whether or not the telephone station 5 of Bozek is "analogous" to the second telephone of McClung, the problem with the Examiner's analysis is that the telephone station 5 of Bozek is ***not*** a **clone** terminal of a **first** terminal, such that the telephone station 5 initiating a call session with a **third** terminal would cause profile information associated with the **first** terminal to be accessed to process the outgoing call for the call session between the **second** terminal (equated with the telephone station 5 of Bozek) and the **third** terminal. Bozek relates to a simple database

lookup for speed dial information; the lookup for speed dial information is clearly not the same as, and provides no hint of, accessing *profile information associated with the **first terminal** (which the second terminal clones) to process the second indication for establishing the second call session between the second terminal and the third terminal.*

Based on the foregoing, and as discussed in greater detail in the Appeal Brief, the *prima facie* case of obviousness is defective for at least the following reasons: (1) no reason existed to combine the teachings of McClung and Bozek; and (2) the hypothetical combination of McClung and Bozek does not disclose or hint at all elements of claim 1. Therefore, reversal of the final rejection of claim 1 and its dependent claims is respectfully requested.

II. REPLY TO EXAMINER'S ANSWER REGARDING INDEPENDENT CLAIM 37.

In the Examiner's Answer on page 23, the Examiner focused on the following passage of Michalewicz as purportedly supplying the obviousness rejection of claim 37 over Alexander and Michalewicz: column 6, lines 35-37 ("Virtual telephony device software or firmware may also be located on any other network device."). The Examiner also focused on the use of the language "may be" in column 6, lines 38-39 of Michalewicz. The fact that a virtual telephony device software or firmware may be located on any other network device, or that virtual telephony devices "may be" logically inserted between two or more IP telephony devices, does not change Appellant's analysis presented in the Appeal Brief.

With respect to claim 37, the Examiner conceded that Alexander does not disclose that its IP telephony device includes a plurality of soft client modules that become clones of respective terminals, as recited in claim 37. 11/20/2006 Office Action at 13. Instead, the Examiner relied upon Michalewicz as disclosing these soft client modules. *Id.* Specifically, the Examiner cited column 6, lines 33-37, of Michalewicz, which describes a call manager 26a that has software for

implementing one or more virtual telephony devices, and that virtual telephony device software or firmware may be located on any other network device. As explained by Michalewicz, the virtual telephony devices may be logically inserted between two or more IP telephony devices to act as an intermediary between the telephony devices. Michalewicz, 6:38-40. Once the relationship is set up, signaling and media streams that pass through the virtual telephony device may be modified through address translation or data stream manipulation. Michalewicz, 6:40-44. As noted by Michalewicz, an implementation of a virtual telephony device is a bridge 28 (depicted in Fig. 1 of Michalewicz). Michalewicz, 6:35-37. However, there is no hint in Michalewicz that its virtual telephony devices constitute the soft client modules that become ***clones*** of respective terminals, where each soft client module becomes a clone of a respective terminal by sending a request to a server on a network to select one of the terminals to clone. Moreover, Alexander provides absolutely no hint that the virtual telephony devices can become clones of terminals, as recited in claim 37.

Thus, it is clear that the *prima facie* case of obviousness of claim 37 over Alexander and Michalewicz is defective.

On page 23 of the Examiner's Answer, the Examiner made the following further statement: "Applicant appears to suggest that **both** Alexander and Michalewicz must disclose all the limitations of a claim in order to be used in an obviousness rejection." Appellant made no such argument. What Appellant was pointing out was that the Examiner was taking unrelated teachings from two different references and combining such references to achieve the claimed invention when no reason existed that would have prompted a person of ordinary skill in the art to combine the reference teachings in the manner proposed by the Examiner.

In view of the foregoing, and arguments presented in the Appeal Brief, reversal of the final rejection of independent claim 37 and its dependent claims is respectfully requested.

III. REPLY TO EXAMINER'S ANSWER REGARDING INDEPENDENT CLAIM 16.

With respect to claim 16, the Examiner conceded that Alexander fails to disclose associating a first logical port between a telephony proxy server and a switch module with both the first and second terminals, and forwarding, by the switch module, the call request through the first logical port to the telephony proxy server. 11/20/2006 Office Action at 17. The Examiner cited AAPA as disclosing use of logical ports between a TPS and a switch. *Id.* Although the Background section of the present application mentions that a logical port can be reserved in a switch for a telephony client, there is absolutely no hint in the Background section of the present application, or in Alexander, of associating a first logical port between a TPS and a switch module with ***both*** the first and second terminals.

In response to this, the Examiner argued that "AAPA is relied upon merely for the means by which the ports are associated." Examiner's Answer at 26. The Examiner stated that "Alexander clearly discloses associating the first and second terminals in the call manager as stated in the rejection above." *Id.*

When combining reference teachings, the entirety of the reference teachings must be considered. It is improper to ignore parts of reference teachings in rendering the obviousness rejection. It is clear that neither Alexander nor the Background section of the present application contemplates associating a logical port between a TPS and switch module with *both* the first and second terminals. The Examiner quoted a passage from AAPA relating to a TPS acting as a proxy server on behalf of various telephony clients, and the TPS reserving a logical port in the switch for the telephony client. However, what the Examiner appears to have glossed over is

that the AAPA provides no hint or teaching of associating a first logical port between a telephony proxy server and a switch module with *both the first and second terminals*. Thus, the Examiner has clearly failed to establish that the hypothetical combination of Alexander and AAPA teaches or hints at all elements of claim 1.

On page 27 of the Examiner's Answer, the Examiner attempted to argue that the claimed subject matter is "minor and obvious" by comparing figures of the present application with figures of Alexander. The Examiner stated that the "clone tables of Figure 3 [of the present application] contain similar information to the tables of Figures 3-4 of Alexander in that they store an association between two or more terminals that allow the switch/call manager to route calls addressed to the first terminal to the second terminal." *Id.* What the Examiner failed to appreciate is that the clone table 44 of Figs. 3A-3C of the present application contains multiple columns to enable association of *a* logical port with two or more terminal devices. Such a structure is not contemplated at all by Figs. 3 and 4 of Alexander. Therefore, the Examiner's attempt at equating Figs. 3 and 4 of Alexander with Figs. 3A-3C of the present application does not support the obviousness rejection.

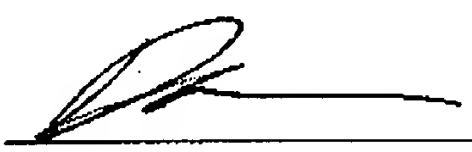
Therefore, it is clear that a *prima facie* case of obviousness has not been established with respect to claim 16 and its dependent claims.

IV. CONCLUSION

With respect to the remaining points raised by the Examiner in the Examiner's Answer, Appellant refers to the Appeal Brief to rebut the Examiner's rejections. Therefore, in view of the arguments presented above, and those presented in the Appeal Brief, reversal of all final rejections is respectfully requested.

Respectfully submitted,

Date: Oct 1, 2007



Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883